

REMARKS

Reconsideration of the application is requested in view of the above amendments and the following remarks. Claims 4-6 have been canceled. The limitations of claim 5 have been added to claim 1. Claim 27 has been amended to correct a claim dependency. Independent claims 8, 16, 17, 23 and 24 have also been amended. The amendments to claims 8, 16, 17, 23 and 24 are supported by at least Figures 17 and 18 and the related description of those figures in the present application. No new matter has been added.

Claim Objections

Claim 27 has been amended to correct formality issues as suggested by the Examiner.

§102 Rejection

Claims 1, 2, 4 and 5 were rejected under 35 U.S.C. §102(b) as being anticipated by Gragg (US 5,757,390). Applicant respectfully traverses this rejection.

Gragg discloses an off-board ink supply 60 that is connected to an ink cartridge 20, which is mounted to a printer, via a flexible ink supply line 38. The ink supply 60 is not "mounted to" the ink cartridge" as required by claim 1. Further, the ink supply 60 does not include "a pliable portion of a wall of the ink container" that operates as a pressure varying means, as required by claim 1. The ink supply 60 includes an actuatable pump 64 at a top surface of the ink supply 60. The pump 64 is not a "pliable portion of a wall", and therefore fails to meet the limitations of claim 1 and the claims that depend from it.

§103 Rejections

Claims 1-17, 19, 21-23 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yuen (US 6,347,863) in view of Chaumet (US 4,995,751). Applicant respectfully traverses this rejection. Claim 17 has been amended to include the limitations of claim 18, thus rendering this rejection moot as to that claim. Applicant does not otherwise concede the correctness of this rejection.

Yuen also fails to disclose or suggest the pressure varying structures recited in independent claims 1, 8, 16, 23 and 28. Chaumet fails to remedy the deficiencies of Yuen as it

relates to claims 1, 8, 16, 17, 23 and 28 for at least those reasons set forth below.

Chaumet discloses a pen that includes a depletable refill 1. The refill 1 is positioned in a metal tube 2 that has a first open end to which a writing head 7 is mounted and a second open end to which an end-cap 12 is mounted. The end cap 12 includes a hemispherical cap 17 that is made of elastic material. The cap 17 includes a hole 18 that provides air flow into the cap 17. Air in the cap 17 is forced into the refill 1 when the cap 17 is depressed with the hole 18 covered. The cap 17 refills with air when the cap 17 is released with the hole 18 uncovered.

The cap 17 disclosed by Chaumet is a separate member from the tube 2 and end cap 12 of the pen. Further, the cap 17 is not part of an ink container wall of the pen, because cap 17 is spaced apart from the refill 1, which contains the ink, and the tube 2, which holds the refill 1. Chaumet fails to disclose or suggest any other feature that is "a pliable portion of a wall of the ink container," as required by claim 1. Chaumet further fails to disclose or suggest "engaging the flexible side wall varies a pressure condition in the internal ink tank of the ink container thereby creating ink flow in the drain conduit," as required by claim 28.

The hole 18 in cap 17 makes it possible for fluid to flow into and out of the cap 17 from the exterior of the pen into an interior of the pen. Cap 17 is the only pliable portion of the pen disclosed by Chaumet that initiates ink flow. Therefore, Chaumet fails to disclose or suggest an "actuator including a pliable portion, the pliable portion providing a fluid-tight seal with the exterior surface of the ink container," as required by claim 8, or "the pressure member providing an air-tight seal with the ink container surface and being void of openings," as required by claim 16.

In the embodiment of Figures 1-2 of Chaumet, the interior of the cap 17 is separated from the refill 1 by an opening 15, a cavity 14, and a needle 22. In the embodiment of Figures 3-4 of Chaumet, the interior of cap 17 is sealed from the refill 1 except when the cap 17 is being depressed to pierce the capsule 26 of the refill 1 and force air into the refill 1. Chaumet fails to disclose or suggest "the pressure varying member exposed to the ink in the ink tank through the opening in the ink container," as required by claim 23 because the opening 15 is not exposed to ink.

In view of the above, Applicant submits that Yuen and Chaumet fail to disclose or suggest every limitation of claims 1, 8, 16, 17, 23 and 28, and the claims that depend from them.

Claims 18, 20, 24, 26 and 27 were rejected under 35 U.S.C. §103(a) as being unpatentable over Yuen in view of Chaumet and further in view of Ito (US 6,053,603). Applicant respectfully traverses this rejection. Claim 18 has been canceled and the limitations of that claim added to claim 17. The merits of claim 17 are discussed below.

Yuen and Chaumet fail to disclose or suggest "mounting a bottom portion of the printer ink cartridge in a refill base member; . . . coupling the ink container to a top portion of the printer ink cartridge," as required by claim 17, or "the ink container configured to be coupled to a top portion of an ink cartridge; and a printer ink cartridge carrying base . . . configured to operatively mount to a bottom portion of an ink cartridge and to the ink container," as required by claim 24. Ito fails to remedy the deficiencies of Yuen and Chaumet as they relate to claim 17. Ito discloses an adapter 10 that mounts to a top side of a cartridge and a supply container 210 mounted to a top side of the adapter 10. Therefore, Yuen, Chaumet, and Ito fail to disclose or suggest every limitation of claim 17 and the claims that depend from it.

Claims 29 and 30 were rejected under 35 U.S.C. §103(a) as being unpatentable over Chaumet. Applicant respectfully traverses this rejection.

Chaumet is a pen device. Chaumet fails to disclose or suggest "a drain conduit extending from the bottom wall of the plastic ink container; [and] a vent member extending from the bottom wall of the plastic ink container," as required by claim 29. Therefore, Chaumet fails to render obvious claim 29 and claim 30.

Claims 1, 3-12, 14-17, 19, 21-23 and 29 were rejected under 35 U.S.C. §103(a) as being unpatentable over Ikkatai (US 6,022,102 in view of Chaumet. Applicant respectfully traverses this rejection.

Ikkatai discloses with reference to Figure 9 an ink tank 63 and a refilling tank 65. The refilling tank 65 includes a liquid communication tube 72 for draining ink into the ink tank 63 via a valve 67 that is mounted to the ink tank 63. The tube 72 does not extend from the refilling tank 65, but is defined in a bottom wall of the refilling tank 65. An air communication tube 71 extends into the ink chamber of the refilling tank 65 and has a bottom end that is also defined in the bottom wall of the refilling tank 65. A sealing member 73 extends across the bottom side of

the refilling tank 65 to seal closed the tubes 71, 72. The refilling tank includes only two openings, which openings are positioned along the bottom wall of the refilling tank 65.

The refilling tank 65 does not include a pump, pliable portion, actuator, flexible side wall, pressure varying member, pressure member, or any other such structure that meets the limitations of independent claims 1, 8, 16, 17, 23 and 29.

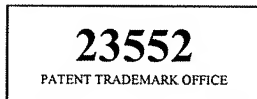
As discussed above, Chaumet fails to disclose or suggest all of the limitations of claims 1, 8, 16, 17, 23 and 29, alone or in combination with Yuen. The combination of Ikkatai and Chaumet also fails to disclose or suggest every limitation of claims 1, 8, 16, 17, 23 and 29. For example, Ikkatai and Chaumet fail to disclose or suggest a feature that is "a pliable portion of a wall of the ink container," as required by claim 1. Ikkatai and Chaumet fail to disclose or suggest an "actuator including a pliable portion, the pliable portion providing a fluid-tight seal with the exterior surface of the ink container," as required by claim 8, as well as a "pressure member providing an air-tight seal with the ink container surface and being void of openings," as required by claim 16. Ikkatai and Chaumet fail to disclose or suggest "mounting a bottom portion of the printer ink cartridge in a refill base member; . . . coupling the ink container to a top portion of the printer ink cartridge," as required by claim 17. Ikkatai and Chaumet fail to disclose or suggest "the pressure varying member exposed to the ink in the ink tank through the opening in the ink container," as required by claim 23 because the opening 15 disclosed by Chaumet is not exposed to ink. Ikkatai and Chaumet further fail to disclose or suggest "a drain conduit extending from the bottom wall of the plastic ink container; [and] a vent member extending from the bottom wall of the plastic ink container," as required by claim 29.

In view of the above, Applicant submits that Ikkatai and Chaumet fail to disclose or suggest every limitation of claims 1, 8, 16, 17, 23 and 29, and the claims that depend from them.

In view of the above, Applicant respectfully requests reconsideration of the application in the form of a Notice of Allowance. If a phone conference would be helpful in resolving any further issues related to this matter, please contact Applicant's attorney listed below.

Respectfully submitted,

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